

REMARKS

Responding to the Final Office Action mailed October 18, 2005, claim 1 has been amended so as to obviate the rejection pursuant to 35 USC § 112 ¶2. Further none of claims 1, 4-20 are anticipated by Anderson US Patent 5,764,142 as explained below.

We first note that all the above noted claims include the following limitations:

"at least one of a smoke sensor or a thermal sensor;
a sensor of incident radiant energy responsive to sources of radiant energy exclusive of the smoke sensor or the thermal sensor;" (claims 1, 4-20)

As the above wording makes clear, pending claims 1, 4-20 require at least two different sensors. One of them is the claimed "at least one of a smoke sensor or thermal sensor". The other is the claimed "a sensor of incident radiant energy responsive to sources of radiant energy exclusive of the smoke sensor or the thermal sensor". Anderson et al. simply does not disclose a detector as claimed.

The block diagram of Fig. 2 of Anderson et al. discloses a singular sensor 30. Fig. 2A, identified as prior art therein, illustrates a single photoelectric smoke detector. It includes a source and a sensor. Fig. 2B of Anderson et al. discloses a photoelectric smoke detector with a singular source and a singular sensor. Similarly, Figs. 3, 4 of Anderson et al. disclose smoke detectors having only a singular source and a singular sensor of radiant energy.

In attempting to justify a rejection of pending claims 1, 4-20 the Examiner has asserted relative to Anderson et al. that it includes:

"at least one of smoke sensor or a thermal sensor (smoke detector)
(Col. 3, ln. 62) (Office Action last line of page 2, and first line of page 3)

The noted column and line in Anderson et al. refers to:

"photoelectric-type smoke detectors. Temperature sensors"
(Anderson et al. Col. 3, ln. 62)

The above phraseology includes no discussion of structure of the "smoke detectors" that are referred to, nor the "temperature sensors" that are referred to. Further, in the Office Action the Examiner stated as further justification for the rejection:

"a sensor of incident rate in energy responsive to sources of radiant energy exclusive to the smoke sensor or the thermal sensor (infrared radiation) (col. 4, ln. 3)" (Office Action, Pg. 3 first 3 lines)

Col. 4, line 3 is referring to element 30 of Fig. 2 of Anderson et al. which is a singular sensor in what is described as "detector 22i". Detector 22i of Anderson et al. "includes a sensor element 30. The element 30 is intended to sense a particular ambient condition, such as smoke, temperature, infrared radiation or the like" (Col. 3, ln. 67-Col. 4, ln. 3 Anderson et al.).

Clearly the text the Examiner is referring to is directed to a structure namely detector 22i which has a singular sensor element 30. This is not the claimed structure. The claimed structure requires that the "sensor of incident radiant energy" be "exclusive of the smoke sensor or the thermal sensor" (Claims 1, 4-20). In this regard, the Examiner has also referred to an exemplary embodiment in Fig. 1A, or 1B of the present application. Those figures illustrate three separate sensors 14 (photon or light sensor), 60 (temp. sensor) and 20 (smoke sensor). Each emits an output into an associated control element such as controller 24.

In summary, Anderson et al. merely discloses in various figures such as Fig. 2, 2A, 2B, 3 and 4 a singular smoke detectors and nothing further. Anderson et al. clearly fails to meet at least the following limitation from claims 1, 4-20:

"a sensor of incident radiant energy responsive to sources of radiant energy exclusive of the smoke sensor or the thermal sensor"

Thus for at least the above reasons none of claims 1, 4-20 are anticipated by Anderson et al. It is requested that the rejections thereof be withdrawn.

Further, in addition to the above reasons for allowance of those claims, none of claims 6, 8 and 12 are anticipated by Anderson et al. for the following additional reasons. Claims 6 requires:

"the smoke sensor is displaced from the sensor of incident radiant energy"

As noted above, Anderson et al. merely discloses various detectors having a singular sensor. The Examiner's reference to Col. 3, ln. 62 of Anderson et al. which states:

"or photoelectric-type smoke detectors. Temperature sensors" (Col. 3, ln. 62 Anderson et al.)

Does not anticipate:

"where the smoke sensor is displaced from the sensor of incident radiant energy" (Pending Claim 6)

Each of claims 7, 8 depends from claim 6 and is allowable for the additional reasons that claim 6 is allowable.

In the Office Action the Examiner made no mention of pending claim 12 when discussing Anderson et al. Since the only outstanding rejection of claim 12 related to the 35 USC § 112 ¶2 rejection, and since claim 1 has been amended to obviate that rejection claim 12 is now allowable. Further in this regard, the wording of claim 12 namely:

"where the thermal sensor and the radiant energy sensor are displaced from one another with the control circuitry, at least in part, in bi-directional communication therewith via one of a wireless or wired medium."
(Pending claim 12)

is clearly not met by the structure of Anderson et al. In attempting to justify a rejection of claim 12 the Examiner has stated:

"Anderson discloses the control circuitry is at least in part, coupled to at least one of the sensors by a bi-directional communication medium (Col. 3, Ins. 50-55)" (Page 3 Office Action, last full paragraph)

The above statement however does not meet the above quoted limitation from claim 12. As that limitation makes clear both "the thermal sensor and the radiant energy sensor are displaced from one another" (Pending claim 12). The Examiner has not addressed this aspect of claim 12 because it has not been disclosed in Anderson et al.

For at least the above reasons, none of pending claims 1, and 4-20 are anticipated by Anderson et al.

Relative to the rejection of claims 21-28 as anticipated by Tice US Patent 5,659,292 we first note that anticipation rejections to be valid, must comply with a very specific threshold requirement set out in the MPEP as follows:

"The identical invention must be shown in as complete detail as is contained in the...claim...the elements must be arranged as required by the claim" (MPEP Eighth Ed., Rev. 2, May 2004, pg 2100-73)

The Examiner's rejection of claims 21-28 as anticipated by Tice '292 fails to meet the above noted standard in that the Examiner clearly failed to address the following limitation from each of those claims:

"a processor that receives the first and second signals, the processor using the first signal to alter a delay time associated with the second sensor"
(Pending claims 21-28)

The processor of Fig. 3 of Tice receives only one signal at a time. It receives a signal from photodetector 52 in the absence of humidity. In the presence of humidity, the humidity detector 54 outputs a signal at a very low impedance with overrides any signal from the photodetector 52.

In connection with the above on page 9 of the Office Action the Examiner asserted:

"According to Applicant's argument of page 11 'processor 40 of Tice does not receive the first and second signals'. The Examiner respectfully disagrees with the Applicant because Tice discloses a processor 40 couple (sic) with a smoke detector 52 and humidity detector 54 (Fig. 3; Col. 4, Ins. 44-46)" (Page 9 section 8 Office Action)

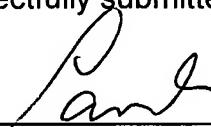
The above is misleading in that Fig. 3 discloses line 54a from humidity detector 54 attached to the output from detector 52 with resistor 52a therebetween. Unlike the claimed structure, the structure of Fig. 3 of Tice receives one of a signal from photodetector 52 or humidity detector 54 and not "the first and second signals" as claimed. Thus, for at least the above reasons none of claims 21-28 are anticipated by Tice '292.

Thus for at least the above reasons none of pending claims 1, and 4-20 are anticipated by Anderson et al. Nor are any of claims 21-28 anticipated by Tice. The application is allowable and allowance is respectfully requested.

Applicant's attorney will shortly contact the Examiner for the purpose of scheduling a telephone interview to discuss the outstanding Final Office Action, the present response and the prior art.

Respectfully submitted,

By _____


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